

IN THE SENATE OF THE UNITED STATES.

APRIL 13, 1880.—Ordered to be printed.

Mr. HAMPTON, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany bill S. 530.]

*The Committee on Military Affairs, to whom was referred the bill (S. 530) for the relief of James P. W. Neill, have considered the same, and beg leave to report:*

That it appears from the records of the War Department that the act of March 3, 1869, reducing the Army, made many of the officers supernumeraries. That the act of July 15, 1870, caused the discharge of all supernumerary officers remaining in service January 1, 1871, 125 in number. That Captain Neill vacated his place in a regiment, and became a supernumerary at his own request, with the probability, prior to July 15, 1870, and the certainty after that date, of discharge unless belonging to some regiment or having been retired. That there is no evidence of record that this officer was at any time, while in the service, eligible for retirement under the laws providing for the retirement of Army officers (Revised Statutes, sections 1246-1249, and following). If Captain Neill is disabled on account of wounds received in the service, he is undoubtedly entitled to a pension, but in view of the facts above stated, your committee cannot recommend his reinstatement and retirement. They therefore recommend that the bill for his relief should not pass, and they ask to be discharged from the further consideration of it.

